

COPY

**IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
PROBATE DIVISION
File No. 05-1879-CI-003
File No. 05-2347-CI-003**

**IN RE: RECORDS OF THE
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES.**

ORDER

THIS MATTER came before the Court pursuant to its previous Orders in these separately-brought cases for *in camera* review of abuse reports relating to Theresa Marie Schiavo made by the Department of Children and Families (DCF) prior to February 18, 2005, and for a determination of whether good cause exists for the public disclosure of the contents or a portion thereof. In order to determine whether good cause exists, both Media General Operations, Inc., d/b/a/ WFLA-TV News Channel 8 (“WFLA”) and The Tampa Tribune (the “Tribune”) (collectively, “Media General”) and the Times Publishing Company (“the Times”) have requested that the Court, pursuant to Section 415.1071(1), Florida Statutes, balance the best interests of Mrs. Schiavo, the vulnerable adult, with the privacy rights of other persons identified in the reports against the public interest.

The Court, having completed its *in camera* review of the nine abuse reports furnished by DCF, finds that the public interest outweighs most of the privacy interests put forward in this case. The public interest includes the need for citizens to know of and adequately evaluate the actions of DCF and the court system in providing vulnerable adults with the protections provided

in Section 415.101. Those protections include not only services and investigations aimed at detecting and correcting abuse, neglect and exploitation, but also include the expressed legislative intent that the fewest possible restrictions be placed on personal liberty and the exercise of constitutional rights, consistent with due process and the protection from abuse, neglect and exploitation. Public access to the abuse reports will shed light on the investigation and handling of previous allegations made between 2001 and 2004 and whether they differed significantly from the latest investigations in which DCF attempted to intervene in the guardianship.

Balanced against this public interest are the privacy rights of Mrs. Schiavo and any third parties identified in the reports. The Court has previously held that the extensive publicity surrounding the Schiavo guardianship essentially limited any privacy interest of Terri Schiavo. Mrs. Schiavo is now deceased and her guardian had agreed that those abuse reports that had previously been circulated to him should be made public. Moreover, the Court finds after review that the abuse allegations made in the reports have been the subject of several public court proceedings. DCF has suggested that various statements regarding Mrs. Schiavo's diagnosis, her medical condition, and the results of medical tests be redacted. Mrs. Schiavo's medical condition, however, is one of the main issues and has been the subject of much public litigation. The Court does not find that any privacy interest remains in her medical condition, diagnosis or test results.

Statements regarding the administration of guardianship assets are also the subject of redaction requests by DCF. Similarly, the Court finds that public interest outweighs her privacy interest in the statements made regarding the guardianship assets since this, too, has been the subject of much public disclosure.

The identification of third parties is another matter. The names, addresses and telephone numbers of the reporters of the abuse will not be released since they are clearly protected. Social security numbers and birth dates of any individual are likewise not to be made public. Additionally, because of the extreme volatility of this case, the names or initials of nurses or of employees where Mrs. Schiavo was located shall not be released. The public interest does not outweigh their right of privacy.

The names of the parties to the adversary proceedings in the guardianship, i.e, Michael Schiavo and the Schindler family, including Robert Schindler, Jr, and Suzanne Carr n/k/a Suzanne Vitadamo; the named attorneys; the name of the hospital to which Mrs. Schiavo was taken at various times; and the names and statements of doctors who have testified or submitted affidavits in court regarding the medical condition of Theresa Marie Schiavo are not protected from public disclosure in relation to the abuse reports. These names are already public knowledge in the guardianship case. The name of the doctor on line 35, of page 11 of 11, of Report 2003-091550-01, following the words, "Palm Gardens" shall be redacted, however, since the Court does not believe that he testified or submitted any affidavits in the guardianship case and that public interest does not outweigh his right of privacy. It is therefore

ORDERED AND ADJUDGED that good cause has been shown that the nine DCF final reports of abuse investigations relating to Theresa Marie Schiavo should be released to the public subject to the redaction of (1) the names, addresses, and telephone numbers of the callers/reporters of the abuse allegations; (2) any individual's Social Security numbers or birth dates; and (3) the names or initials of nurses or employees where Mrs. Schiavo resided who were interviewed by DCF and (4) the name of the doctor indicated above. It is further

ORDERED AND ADJUDGED that DCF shall no later than close of business Monday, April 18, 2005, make the redactions required by this Order and furnish Media General, the Times and the Guardian, copies of the redacted reports in compliance with this Order, and file the original thereof with the Clerk of this Court. It is further

ORDERED AND ADJUDGED that the copy of the abuse reports DCF furnished the Court in order to conduct the *in camera* review will remain sealed as a confidential record under Chapter 415, Florida Statutes and filed in *In re: Records of the Department of Children and Family Services*, Sixth Judicial Circuit, Case Number 05-1879-CI-03.

DONE AND ORDERED in Chambers, at Clearwater, Pinellas County, Florida this 14 day of April 2005.


GEORGE W. GREER
CIRCUIT JUDGE

Copies furnished to:

- Thomas E. Reynolds, Esquire
- Gregg. D. Thomas, Esquire
- Hamden H. Baskin, III, Esquire
- Jennifer Lima-Smith, Esquire

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